

JOHN LEWIS GERHOLT SR.  
Plaintiff

VS.

DONALD ORR JR.  
Defendant

CIVIL ACTION

No.

13-7

RECEIVED  
JAN 10 2013  
CLERK, U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

PETITION FOR WRIT OF HABEAS CORPUS

TO THE HONORABLE: THE JUDGES OF SAID COURT

(1) This court has Jurisdiction over this matter pursuant to 42 Pa.C.S. Sections 6501, 6502, 6503.

**NOW COMES**, John Lewis Gerholt Sr., the Plaintiff in the above captioned cases, files this complaint and avers the following, to writ:

- 1) The plaintiff is an adult resident of the Commonwealth of PA, at the State Correctional Institution at Graterford, P.O. Box 244, Graterford, PA 19426.
- 2) The Defendant, was a former Warden at the Bedford County Correctional Facility, 425 Imlertown Road, Bedford County, PA 15522.
- 3) The Defendant is a resident of the Commonwealth of PA, with an address on Front Street in Hyndman, PA 15545. P.O. Box 37
- 4) This court has proper jurisdiction over this complaint as at all parties were residents of this state and the Plaintiff is asserting State Law Claims.
- 5) At all times herein, the Plaintiff was a pre-trial detainee, awaiting the disposition of Criminal Charges in Bedford County, PA.
- 6) The Plaintiff was incarcerated at the Bedford County Correctional Facility from November 10, 2008, until September 11, 2012, at which time he was transferred to SCI-Camp Hill.
- 7) While in Bedford County, the Plaintiff was housed on C-Block which is the "General Population Housing". The Plaintiff was assigned to cell one, bottom bunk due to a Medical Assignment.
- 8) During his period of incarceration, the Plaintiff wrote to the Bedford County District Attorney and the Huntingdon Barracks of the State Police, to attempt to get help locating his stolen items.
- 9) Neither party responded to either request for assistance.

10) On Tuesday, May 15, 2012, the Plaintiff was sleeping in his cell.

11) Defendant entered the Plaintiff's cell and began yelling at him to wake up, when the Plaintiff failed to respond, Defendant proceeded to poke him in the chest.

12) Once the Plaintiff awoke, the Defendant had his hands around the Plaintiff's throat choking him.

13) Defendant continued yelling at the Plaintiff to not ever again write the District Attorney of Bedford County, or the Huntingdon State Police Barracks again.

14) Defendant then told the Plaintiff if he didn't stop, he would **personally** see to it that he would spend the rest of his life in prison, whether he was guilty or not.

15) Defendant then told the Plaintiff's cell-mate Cory Lee Divelbiss (**who was present during the entire ordeal**), to "GET THE FUCK OUT" at the time of this incident. At the time of this incident, there was no other Correctional Officer present on the Cell Block.

16) After this vicious attack, the Plaintiff wrote a request to the Shift Commander, stating why he wanted to talk to the Bedford State Police in regards to the **assault**. (The request was never responded to).

17) On May 18, 2012, the Plaintiff filed a complaint with the Bedford County Commissioners, the complaint netted no reply.

18) The Plaintiff was sentenced on August 21, 2012, and was sent to SCI-Camp Hill on September 11, 2012.

19) During the week of October 15, 2012, Trooper Jeremy Matas from the PA State Police Crime Investigation Unit in Carlisle, PA, interviewed in brief the Plaintiff regarding the **vicious assault**, and let the Plaintiff know that the investigation is on going.

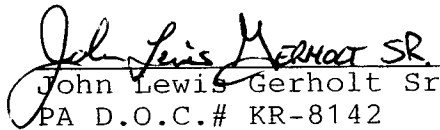
20) This vicious attack was clearly unprovoked as the Plaintiff was sleeping at the time.

21) The Plaintiff is entitled to Compensatory Damages as a result of this vicious attack.

RELIEF SOUGHT

Wherefore, Plaintiff, John Lewis Gerholt Sr., respectfully requests and has complete confidence that this Honorable Court will grant relief in the amount of \$350,000 and any other relief this Court deems appropriate.

Respectfully Submitted,

 "Pro Se"  
John Lewis Gerholt Sr.  
PA D.O.C.# KR-8142  
P.O. Box 244  
Graterford, PA 19426